

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for TD Bank, N.A.



Order Filed on March 17, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

JOHN A DRAGANI
AKA JOHN DRAGANI,

Debtor.

Case No.: 20-10007-JNP

Judge: Hon. Jerrold N. Poslusny, Jr.

Hearing Date(s): 3/15/2022

Chapter: 13

Recommended Local Form

☒ Followed

☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: March 17, 2022

A handwritten signature in black ink, appearing to read "J. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: TD Bank, N.A.
Applicant's Counsel: Schiller, Knapp, Lefkowitz & Hertz, LLP
Debtor's Counsel: S. Daniel Hutchison, Esq.
Property Involved ("Collateral"): 177 Krumm Avenue, West Berlin, NJ 08091
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 25 months, from January 8, 2020 to February 8, 2022.

☐ The Debtor is overdue for _____ payments at \$_____ per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☐ Applicant acknowledges receipt of funds in the amount of \$_____ received after the motion was filed.

Total Arrearages Due \$5,113.60.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$_____. Payment shall be made no later than _____.

☒ Beginning on March 8, 2022, regular monthly mortgage payments shall continue to be made in the amount of \$180.23.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.

X The amount of \$5,113.60 shall be capitalized in the debtor's Chapter 13 plan. The debtor shall file a COVID-19 Modified Chapter 13 Plan to address payment of the post-petition mortgage arrears which totals \$5,113.60.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: _____

X Regular monthly payment: TD Bank, N.A.
Payment Processing, P.O. Box 16029
Lewiston, ME 04243

☐ Monthly cure payment: _____

4. In the event of Default:

X If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

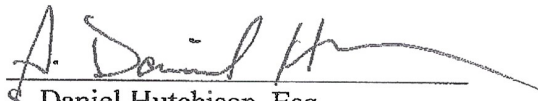
X The Applicant is awarded attorney's fees of \$350.00, and costs of \$188.00.

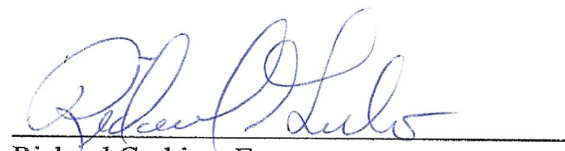
The fees and costs are payable:

X through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.


S. Daniel Hutchison, Esq.
Attorney for Debtor
Date: 3-16-22


Richard Gerbino, Esq.
Attorney for TD Bank, N.A.
Date: 3/16/22

In re:
John A. Dragani
Debtor

Case No. 20-10007-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Mar 17, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 19, 2022:

Recip ID	Recipient Name and Address
db	+ John A. Dragani, 177 Krumm Avenue, West Berlin, NJ 08091-1608

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 19, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 17, 2022 at the address(es) listed below:

Name	Email Address
Brian C. Nicholas	on behalf of Creditor Specialized Loan Servicing LLC bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon	on behalf of Creditor Specialized Loan Servicing LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Elizabeth L. Wassall	on behalf of Creditor WELLS FARGO BANK N.A. ewassall@logs.com, njbankruptcynotifications@logs.com;logsecf@logs.com
Gavin Stewart	on behalf of Creditor Specialized Loan Servicing LLC bk@stewartlegalgroup.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com

District/off: 0312-1

User: admin

Page 2 of 2

Date Rcvd: Mar 17, 2022

Form ID: pdf903

Total Noticed: 1

Joseph Gunnar Devine, Jr

on behalf of Creditor TD Bank N.A. jdevine@tmppllc.com, kcollins@schillerknapp.com;lgadomski@schillerknapp.com

Richard Gerbino

on behalf of Creditor TD Bank N.A. rgerbino@schillerknapp.com, kcollins@schillerknapp.com;lgadomski@schillerknapp.com

S. Daniel Hutchison

on behalf of Debtor John A. Dragani sdhteamlaw@outlook.com
backupcourt@outlook.com;sdhlawpara1@outlook.com;hutchisonsr39026@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10